

HOUSE JOINT RESOLUTION NO. 36

INTRODUCED BY S. BOOKOUT-REINICKE, HEDGES, KEANE, MATTHEWS, ROME

BY REQUEST OF THE HOUSE TRANSPORTATION STANDING COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY TO EXPLORE GENERAL SAFETY MEASURES, RAILROAD TRACK INSPECTION, AND RAILROAD TRACK SPECIFICATIONS ASSOCIATED WITH POSSIBLE FUTURE RAILROAD TRANSPORT OF HIGH-LEVEL RADIOACTIVE WASTE OR SPENT NUCLEAR FUEL THROUGH MONTANA.

WHEREAS, In 1982, Congress passed the Nuclear Waste Policy Act that established policies for the development of facilities to store and dispose of high-level radioactive waste or spent nuclear fuel; and

WHEREAS, the Nuclear Waste Policy Act provides for the disposal of high-level radioactive waste or spent nuclear fuel once a permanent repository has been established; and

WHEREAS, the United States Department of Energy is constructing a site at Yucca Mountain, Nevada, to permanently store high-level radioactive waste and spent nuclear fuel; and

WHEREAS, the Hanford Site, located in eastern Washington, is one of the sites from which high-level radioactive waste or spent nuclear fuel will be shipped; and

WHEREAS, the Department of Energy is considering both highway and railroad transport of high-level radioactive waste and spent nuclear fuel; and

~~WHEREAS, as a result of an international treaty to dispose of Cold War weapons, Boise-based Washington Group International has entered into a \$76 million contract to remove ballistic missile fuel in the Ukraine; and~~

~~WHEREAS, Washington Group International and the Bechtel Corporation have entered into a \$5 billion contract with the Department of Energy to manage nuclear waste at the Hanford Site over a 10-year period; and~~

~~WHEREAS, there is a possibility that railroad shipments from the Hanford Site to Yucca Mountain may pass through Montana; and~~

WHEREAS, since 1988, an average of 12 railroad accidents each year have been caused by track defects, including a 1996 derailment near Alberton that resulted in an extensive mixed-chemical spill; and

1 WHEREAS, given the types of hazardous products currently transported by railroad and the
2 possibility that high-level radioactive waste or spent nuclear fuel will be transported through Montana, it
3 is of paramount importance that tracks be regularly inspected and maintained; and

4 WHEREAS, railroad safety in general and inspection of railroad tracks are functions addressed by
5 both federal and state law; and

6 WHEREAS, 25 states assess fees for radioactive materials shipments; and

7 WHEREAS, the Nuclear Waste Policy Act requires the Department of Energy to provide funding
8 and technical assistance to states through which high-level radioactive waste or spent nuclear fuel will be
9 shipped.

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11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
12 STATE OF MONTANA:

13 That the Legislative Council be requested to designate an appropriate interim committee, pursuant
14 to section 5-5-217, MCA, or direct sufficient staff resources to study the potential shipment of high-level
15 radioactive waste or spent nuclear fuel from the Hanford Site, CHERNOBYL IN THE UKRAINE, OR ANY OTHER SITE
16 through Montana to Yucca Mountain and to develop appropriate measures to ensure the safest possible
17 transport.

18 BE IT FURTHER RESOLVED, that the study include but not be limited to:

19 (1) determining the likelihood that the shipments will travel through Montana and the routes that
20 may be taken;

21 (2) examining how other states address the shipment by rail of hazardous materials, including the
22 fees and restrictions that other states impose on carriers of hazardous materials;

23 (3) examining the current procedure and resources available for inspection of railroad tracks;

24 (4) exploring the feasibility of contracting for railroad track inspection by a private third party and
25 imposing fees on the carriers of the hazardous materials to offset the costs of contracting;

26 (5) determining whether the state may require certain track standards and specifications; and

27 (6) taking steps to ensure that if high-level radioactive waste or spent nuclear fuel is transported
28 through Montana, the state receive the necessary technical assistance and funding provided by the
29 Department of Energy.

30 BE IT FURTHER RESOLVED, that the committee or the staff conducting the study invite the

1 participation of the commercial railroad industry, the Public Service Commission, interested citizens, and
2 any other appropriate individuals or entities.

3 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
4 presented to and reviewed by an appropriate committee designated by the Legislative Council.

5 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
6 requirements, be concluded prior to September 15, 2002.

7 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
8 comments, or recommendations of the appropriate committee, be reported to the 58th Legislature.

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